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EXAMINER
ADEGORUSI, ADEKUNLE O

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 12/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/465,547	OMOIGUI, NOSAKHARE D.	
	Examiner	Art Unit	
	Adekunle O Adegorusi	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-57 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-7,9-15,17,20-25,28,31,32,35-41,46-52,55 and 56 is/are rejected.

7)☒ Claim(s) 8,16,18,19,26,27,29,30,33,34,42-45,53,54 and 57 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed September 5, 2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Objections

Claims 16 and 43-45 are objected to because of the following informalities:

The claims are not meaningful. The word "over" in each of those claims makes the sentences meaningless. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-7, 9, 10-12, 14, 15, 17, 20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Teng et al U.S. Patent 5930473.

Regarding claim 1, Teng et al teaches a search server, an encoder (Presenter client) and a client computer, wherein the encoder is to provide an indication of a currently available live presentation to the search server (column 6 lines 62-65 and column 11 lines 37-39). Column 6 lines 62-65 teaches that the server controls the live presentation from the encoder (presenter client) which implies that the encoder must have provided an indication of live presentation to the search server. Teng et al also teaches that the client computer submits a request with search criteria to the search server (column 1 lines 56-61), and the functions of the search server which includes determining whether the currently available live presentation from the encoder (presenter client) matches the search criteria, transmitting an identifier of the encoder to the client computer if the currently available live presentation matches the search criteria (column 7 lines 44-55) and the encoder (presenter client) providing the live presentation to the client computer (column 11 lines 57-61).

Regarding claim 2, Teng et al teaches an encoder that further provides a subsequent indication to the search server indicating that the live presentation is over (column 12 lines 57-62).

Regarding claim 3, Teng et al teaches that the encoder (presentation formatter) provides to the search server, during the live presentation, information identifying current characteristics of the live performance (column 13 lines 1-5 and lines 16-27).

Claims 4-6 are rejected based on the teachings of Teng et al regarding the search server transmitting the information identifying current characteristics of the live presentation to the

client computer and the client computer displaying the information identifying current characteristics, the information identifying current characteristics comprises a topic description and the encoder providing a characteristic over indication to the search server when the topic identified by the topic description is no longer being presented and the information identifying the current characteristics comprises text corresponding to the live presentation.

Regarding claim 7, Teng et al teaches the live presentation comprises an audio/video streaming media presentation (column 11 lines 37-39).

Regarding claims 9 and 21, Teng et al teaches a method comprising sending to a search server information identifying a live presentation available over network at the beginning of the live presentation and identifying to the search server, when the live presentation is no longer available over the network (In column 4, lines 18-21 and column 12, lines 57-67, Teng et al teaches that a client which wishes to broadcast a stream can send an authorization request to the video server using RPC and also teaches that the presenter would enter a command to terminate a presentation).

Regarding claims 10-12 and 14 the identifying comprises sending to the server an indication of the duration of the live presentation (column 8 lines 57-62). The connectivity characteristic of a stream covers a broad range of parameters, which includes an indication of the duration of the live presentation. The size is a good indication of the duration of the live presentation and the track statistics is a good indication of when the live presentation has ended and it also provides information indicating characteristics of a part of the live presentation currently being presented. The source or destination that is included as one of the stream attributes indicates where the live presentation is coming from.

The requests are sent using RPC features (column 4 lines 18-21), and the stream controllers modify the values of the stream attributes in response to the RPC calls from the client. This therefore ties authorization request of claim 9 to the identity information.

Regarding claim 15, Teng et al teaches identifying information, which includes sending, to the search server an indication of the duration of the characteristics (column 4 lines 18-21 and column 8 lines 55-62). The stream controller is in the server (column 8 lines 40-44) and this modifies the attributes like the identifications (column 8 line 60). The client makes a request to the server and the stream controller modifies the stream attributes.

Regarding claim 17, Teng et al discloses in column 13, lines 12-21 information identifying the live presentation as the live presentation is presented over the network.

Regarding claim 20, Teng et al discloses that the live presentation comprises a composite media stream having an audio stream and a video stream (column 11 lines 37-39).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otani U.S. Patent 6418557 and Teng et al U.S. Patent 5930473, and further in view of Gase U.S. Patent 6184996. Claim 12 was rejected over the teachings of Teng et al regarding a method comprising sending

an identifier to the search server. Teng et al does not teach a method wherein the sending the identifier comprises sending a URL as the identifier, however Gase teaches a scanner device attached to the WWW to provide a URL indicator to a printer (column 2 lines 21-24).

It would have been obvious to one with ordinary skill in the art to modify the teachings of Otani and Teng et al with the teaching of Gase by sending a URL as the identifier. This would make it possible to identify the encoder.

Claims 22-25, 28, 31-32 and 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teng et al U.S. Patent 5930473, and further in view of Day et al U.S. Patent 5996015.

Regarding claims 22 and 39, Teng et al discloses receiving live presentation from the presenter client (column 12 lines 7-9). Teng et al does not teach receiving information identifying a live presentation and making the information available for searching only for the duration of the live presentation. However Day et al teaches receiving information identifying VOD and making the information available for searching (column 4 lines 2-22 and lines 42-55). It would have being obvious to one with ordinary skill in the art to modify the teachings of Teng et al with the teachings of Day et al by making it possible for information identifying a live presentation to be received and making the information available for searching for the duration of the live presentation. This would make information to be available for searching for the duration of the live presentation.

Regarding claim 23, Teng et al teaches receiving information identifying a live presentation scheduled to occur in the future (column 6 lines 7-24). Video information that is

directed to a storage device signifies that the information that identifies the video presentation is also sent to the storage device.

Regarding claim 24, Teng et al teaches the receiving information identifying a currently available live presentation (column 12 lines 7-9).

Regarding claim 25, Teng et al teaches receiving information identifying a plurality of live presentations and for each live presentation, making the information identifying the live presentation available for searching only for the duration of the live presentation (column 7 lines 44-55).

Regarding claim 28, Teng et al teaches in column 11 lines 37-39 a method wherein the receiving comprises receiving the information from a same encoder (presenter client) as is presenting the information.

Regarding claim 31, Teng et al teaches in column 12 lines 44-50 a method comprising receiving an indication from an encoder (presenter client) that is presenting the information that the live presentation is over.

Regarding claim 32, Teng et al teaches receiving information identifying a current characteristic of the live presentation (column 8 lines 51-62) and making the current characteristic available for searching for as long as the characteristic describes a currently presenting portion of the live presentation (column 10 lines 56-61). It is well known in the art to use the characteristics are used for the searches.

Regarding claim 35, Teng et al teaches receiving a user search request and checking the database of currently available live presentations to determine, based at least in part on the

current characteristic in the database, whether a currently available live presentation matches the user request (column 7 lines 44-55 and column 8 lines 48-62).

Regarding claim 36, Teng et al teaches receiving information identifying a current characteristic of the live presentation and transmitting the information identifying the current characteristic of the live presentation to a client computer (column 5 line 67-colunm 6 line 3). The information identifying a current characteristic of a presentation is in the video information.

Regarding claim 37, Teng et al teaches descriptive information corresponding to the live presentation (column 8 lines 48-62) and adding the descriptive information to a database (storage device) of currently available live presentations (column 6 lines 15-17). Apparently, descriptive information is added to live presentations that are stored.

Regarding claim 38, Teng et al teaches that the live presentation includes an audio and a video stream.

Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otani U.S. Patent 6418557, and further in view of Teng et al and Day et al U.S. Patent 5996015.

Regarding claims 40 and 41, Otani teaches one computer-readable memory that stores (video file device) a computer program (column 5 lines 25-27) that when executed by one or more processors (VOD servers) causes the identification of topic information (request signal) corresponding to video content. Otani does not teach, information corresponding to live content and identifying current topic of the live content. However Teng et al teaches the transmitting of live information to a server to make the topic information available for searching (column 6 lines

62-65 and column 7 lines 44-48) and Day et al teaches identifying current topic of video information (column 4 lines 46-55).

It would have been obvious to modify the teachings of Otani et al with the teachings of Teng et al by providing a means of transmitting live information using Teng et al's invention. This would make it possible to search for live information that is stored in the server.

Also it would have been obvious to modify the teachings of Otani et al with the teachings of Day et al by having a means for identifying topics of video information that are stored in the server, thereby making it possible to search for topics in the server.

Claims 46-50 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otani U.S. Patent 6418557, and further in view of Teng et al.

Regarding claim 46, Otani teaches in column 5 lines 6-33 an apparatus comprising: a VOD server, which receives information identifying video data, maintaining the information for as long as the video data is available, and use the information to respond to searches from a plurality of client computers. Otani does not teach that the VOD server having a bus, processor and memory that stores instructions and he does not teach the receiving of live content, however, Teng et al teaches a video server that has a bus, processor and memory that stores instructions. He also teaches the transmission of live video (column 8 lines 12-41).

It would have been obvious to one with ordinary skill in the art to modify the teachings of Otani with the teachings of Teng et al by substituting the VOD server with the video server of Teng et al that has a processor, and memory that stores instructions to make it possible to process instructions.

Also it would have been obvious to modify the teachings of Otani with the teachings of Teng et al by having a live presentation transmitted instead of VOD information. This would make it possible to provide clients with live presentations.

Regarding claim 47, Teng et al teaches in column 8 lines 40-62 that the instructions to receive information identifying live content (software column 8 lines 40-41) are to receive information identifying live content available from an encoder (source) at the time the information is received.

Regarding claim 48, Teng et al teaches in figure 2, column 8 lines 20-21 and lines 32-39 a nonvolatile storage device (SCSI-II disk array), coupled to the bus, to record the information identifying live content.

Regarding claim 49, Teng et al teaches that the plurality of instructions (software) when executed causes the processor to store the information identifying live content in the memory (column 9 lines 22-24). Since the video server has a processor (column 8 lines 14-18), it is well known in the art for a processor to store the information identifying live content in the memory.

Regarding claim 50, Otani teaches in column 5 lines 9-33, the information identifying video (request signal), including descriptive information and an indicator of a server from which the video content is available. Otani does not teach that the information includes a set of descriptive words and the identification of live content, however Teng et al teaches the transmission of live video (column 8 lines 36-38). It would have been obvious to one with ordinary skill in the art to modify the teachings of Otani with the teachings of Teng et al by making the server transmit a live video signal in order to have live video presentations. Also, it

would have been obvious to use a set of descriptive words to identify one of the servers that would process the request

Regarding claim 52, Otani teaches in column 5 lines 6-33 an apparatus comprising: a VOD server, which receives information identifying video data, maintaining the information for as long as the video data is available, and use the information to respond to searches from a plurality of client computers. Otani does not teach that the VOD server having a bus, processor and memory that stores instructions, he does not teach the receiving of live content and does not teach identifying current characteristics of the live content, however, Teng et al teaches a video server that has a bus, processor and memory that stores instructions (column 8 lines 12-22). He also teaches the transmission of live video (column 8 lines 12-41) and the modification of stream characteristics (column 8 lines 52-62).

It would have been obvious to one with ordinary skill in the art to modify the teachings of Otani with the teachings of Teng et al by substituting the VOD server with the video server of Teng et al that has a processor and memory that stores instructions to make it possible to process instructions.

Also it would have been obvious to modify the teachings of Otani with the teachings of Teng et al by having a live presentation transmitted instead of VOD information. This would make it possible to provide clients with live presentations.

It would have been obvious to one with ordinary skill in the art to modify the teachings of Otani with the teachings of Teng et al by having a system that would identify the current characteristics. This would enable the current characteristics to be available.

Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otani and Teng et al, and further in view of Gase U.S. Patent 6184996. Claim 50 was rejected over the teachings of Otani and Teng et al regarding an apparatus wherein the information identifying live content includes a set of descriptive words and an indicator of a server from which the live content is available. Otani and Teng et al do not teach using a URL as an indicator, however Gase teaches a scanner device attached to the WWW to provide a URL indicator to a printer (column 2 lines 21-24).

It would have been obvious to modify the teachings of Otani and Teng et al with the teachings of Gase by having a URL as an indicator. This would make it possible to identify which server has the live content.

Claims 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day et al, and further in view of Teng et al.

Regarding claim 55, Day et al teaches identifying a set of search criteria to be compared to information describing a plurality of video presentations; transmitting the set of search criteria to a server (content management database in the multimedia server (figure 2)); and receiving a list of video presentations that marches the search criteria (column 4 lines 50-55). Day et al does not teach information describing a live presentation however Teng et al teaches the transmission of live presentations (column 8 lines 36-38).

It would have been obvious to one with ordinary skill in the art to modify the teachings of Day et al with the teachings of Teng et al by identifying information describing live presentations. This would enable live presentations to be viewed by the client.

Regarding claim 56, Day et al teaches in column 4, lines 50-55 selecting a video presentation from the list of video presentations and requesting that the selected video presentation be transmitted to a client computer corresponding to a user making a selection. Day et al does not teach selecting a live presentation however, Teng et al teaches the transmission of live presentations (column 8 lines 36-38).

It would have been obvious to one with ordinary skill in the art to modify the teachings of Day et al with the teachings of Teng et al by having a client select a live presentation thereby making the client view live presentations.

Allowable Subject Matter

Claims 8, 16, 18, 19, 26, 27, 29, 30, 33, 34, 42-45, 53-54 and 57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record does not teach or suggest the following:

A system wherein the search server is further to: maintain a record of user search requests and notify the corresponding user when a new live presentation becomes available that satisfies a search request (claim 8),

A method wherein the identifying comprises: sending, to the search server, an indication of the characteristics when the current characteristics begin to describe the live presentation and sending to the search server, a characteristics over indication when the current characteristics no longer describe the live presentation (claim 16),

A method wherein the generating comprises identifying key words as the live presentation is presented (claim 18),

A method further comprising using closed captioning data as the information identifying the live presentation (claim 19),

A method further comprising maintaining a record of user search requests and notifying the corresponding user when a new live presentation that satisfies a search request is available (claim 26),

A method comprising receiving for each of the user search requests an indication of how the user should be notified and notifying the user in accordance with the notification (claim 27),

A method wherein the making the information available for searching comprises: adding the information to a database of currently available live presentations and deleting the information from the database when the live presentation has ended (claim 29),

A method comprising receiving a user search request and accessing the database of currently available live presentations to determine whether a currently available live presentation matches the user search request (claim 30),

A method wherein the making the current characteristic available for searching comprises adding the information identifying the current characteristic to a database of currently available live presentations and deleting the information identifying the current characteristic from the database when the characteristic no longer describes the currently presenting portion of the live presentation (claim 33),

A method comprising maintaining a record of user search requests and alerting a corresponding user when a new current characteristic that satisfies a search request describes the currently presenting portion of the live presentation (claim 34),

One or more computer-readable media wherein the transmitting comprises transmitting the topic information to an encoder (claim 42),

One or more computer-readable media further comprising transmitting a topic over indication to the server when the topic information is no longer the current topic (claim 43),

One or more computer-readable media wherein the transmitting the topic over indication comprises transmitting, as the topic over indication, a cancel indicator (claim 44),

One or more computer-readable media wherein the transmitting the topic over indication comprises transmitting, as the topic over indication, new current topic information (claim 45),

An apparatus wherein the plurality of instructions, when executed cause the processor to receive information identifying current topic information identifying a topic currently being presented as part of the live content; receive an indication that the topic is no longer being presented; maintaining the topic information for a period of time after receiving the indication that the topic is no longer being presented; and using the current topic information to respond to searches from the plurality of computers during the period of time (claim 53),

An apparatus wherein the plurality of instructions, when executed, cause the processor to generate, based on the information identifying live content, descriptive information to be added to a database of live content (claim 54) and

A method comprising transmitting a notification type to the server that indicates how a user that identifies the set of search criteria should be notified by the server when a live presentation is determined by the server to match the search criteria (claim 57).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adekunle O Adegorusi whose telephone number is (703) 305-7721. The examiner can normally be reached on 8:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-8889 for regular communications and (703) 746-8889 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is N/A.

AOA
December 16, 2002

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100